

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MOHAMMED KAMAL

Plaintiff,

-v-

CIELI PARTNERS, L.P. d/b/a TRATTORIA
DELL'ARTE, THE FIREMAN GROUP
CAFÉ CONCEPTS, INC. a/k/a THE
FIREMAN HOSPITALITY GROUP, and
RICARDO RIVERA,

Defendants.

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DATE FILED: <u>9/23/09</u>

No. 09 Civ. 04065 (RJS)

REVISED

**CASE MANAGEMENT PLAN AND
SCHEDULING ORDER**
ECF

RICHARD J. SULLIVAN, District Judge:

At the conference before the Court held on June 24, 2009, this Case Management Plan and Scheduling Order was adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. All parties do not consent to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.
3. No additional parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) will be completed not later than June 22, 2009.
6. All *fact* discovery is to be completed no later than December 1, 2009.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in ¶ 6 above:
 - a. Initial requests for production of documents to be served by July 24, 2009.
 - b. Interrogatories to be served by July 24, 2009.

- c. Depositions to be completed by October 30, 2009.
 - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
 - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.
 - d. Requests to Admit to be served no later than December 1, 2009.
8. All *expert* disclosures, including reports, production of underlying documents and depositions are to be completed by December 1, 2009.
- a. Each party shall serve any expert rebuttal reports within thirty (30) days of receipt of the initial expert report.
9. All discovery is to be completed no later than December 1, 2009.
10. The Court will schedule a post-discovery status conference (see ¶ 16) within three weeks of the close of all discovery.
11. Pre-motion letters regarding dispositive motions, if any, are to be submitted by December 7, 2009. In accord with this Court's Individual Rule 2.A, response letters thereto are to be submitted within three business days from service of the initial pre-motion letter (December 10, 2009).
12. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery. Accordingly, Counsel for the parties have discussed holding a settlement conference before a Magistrate Judge or the Southern District's Mediation Program and request: [check one]
- a. Referral to a Magistrate Judge for settlement discussions
 - b. Referral to the Southern District's Mediation Program
13. The parties shall contact Magistrate Judge Katz by October 1, 2009.
14. The parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practice Rule 3 and Rule 26(a)(3). If this action is to be tried before a jury, proposed *voir dire*, jury instructions, and a verdict form shall be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.
15. Parties have conferred and their present best estimate of the length of trial is one week.

TO BE COMPLETED BY THE COURT:

16. [Other directions to the parties:]

17. The post-discovery status conference is scheduled for December 18, 2009 at
9:15 a.m.

SO ORDERED.

DATED: New York, New York
9/23/, 2009


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE